

1 Robert A. Mittelstaedt (State Bar No. 60359)
ramittelstaedt@JonesDay.com
2 Caroline N. Mitchell (State Bar No. 143124)
cnmitchell@JonesDay.com
3 David L. Wallach (State Bar No. 233432)
dwallach@JonesDay.com
4 JONES DAY
555 California Street, 26th Floor
5 San Francisco, CA 94104
Telephone: 415.626.3939
6 Facsimile: 415.875.5700

7 Attorneys for Defendant
CHEVRON CORPORATION
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 **Foster Ogola, et al.,**

14 **Plaintiffs,**

15 **v.**

16 **Chevron Corporation,**

17 **Defendant.**

Case No. 14-cv-00173-SC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

18
19 WHEREAS, pursuant to the Stipulation and Order entered by the Court on May 29, 2014
20 (ECF No. 33), the Initial Case Management Conference is scheduled for August 22, 2014 at
21 10:00 a.m.;

22 WHEREAS, pursuant to Rules 26(a)(1)(c) and 26(f) of the Federal Rules of Civil
23 Procedure, with an Initial CMC on August 22, 2014, the parties would be required to meet and
24 confer regarding the contents of the joint case management statement, initial disclosures and other
25 issues by August 1, with the Initial Case Management Conference Statement due August 8, 2014,
26 and with initial disclosures due August 15, 2014;

27 WHEREAS, on May 19, 2014, the Court granted Defendants Chevron Corp.'s and
28 Chevron U.S.A., Inc.'s (CUSA) Motion to Dismiss with leave to amend, holding, *inter alia*, that

1 the complaint did not plead a valid basis for holding defendants responsible for alleged torts of
2 Chevron Nigeria Limited (CNL) or that plaintiffs incurred an injury-in-fact sufficient to give
3 them standing to sue in federal court (ECF No. 30);

4 WHEREAS, plaintiffs filed the First Amended Complaint (FAC) on June 17, 2014,
5 dropping CUSA and Chevron Investments Inc. as defendants and alleging a putative class action
6 on behalf of a class of Nigerians residing in Bayelsa State, Nigeria;

7 WHEREAS, on July 3, 2014, defendant Chevron Corporation moved to dismiss and strike
8 the FAC arguing, *inter alia*, that the named plaintiffs still have not alleged an injury-in-fact
9 sufficient to establish standing or any valid basis for holding Chevron Corporation responsible for
10 alleged torts by CNL, and that the FAC's new class allegations fail to plead a viable class action;

11 WHEREAS, defendant's motion to dismiss and to strike is noticed for hearing on August
12 8, 2014, at 10:00 a.m.;

13 WHEREAS, the matters to be addressed in any Rule 26(f) meet and confer, case
14 management conference statement and initial disclosures depend on the outcome of the motion to
15 dismiss and strike and, in the interest of efficiency, the parties wish to defer those tasks until the
16 pending motion to dismiss and strike is decided;

17 IT IS HEREBY STIPULATED that, subject to the Court's approval and pursuant to Rule
18 26(a)(1)(C) of the Federal Rules of Civil Procedure and Local Rule 6-2, the Initial Case
19 Management Conference shall be rescheduled for October 24, 2014, or such date as the Court
20 deems appropriate to accommodate a ruling on the pending motion and, depending on the ruling,
21 sufficient time thereafter for the parties to meet requirements under Rule 26(f) for conference and
22 initial disclosures, if any.

23
24 Dated: July 11, 2014

Jones Day

25
26 By: /s/Robert A. Mittelstaedt
Robert A. Mittelstaedt

27 Counsel for Defendant
28 CHEVRON CORPORATION

1 Dated: July 11, 2014

Rufus-Isaacs, Acland & Grantham LLP

2
3 By: /s/ Neil Fraser

4 Neil Fraser

5 Counsel for Plaintiffs
FOSTER OGOLA, ET AL.

6
7 Pursuant to Local Rule 5-1(i)(3), I, Robert A. Mittelstaedt, attest that concurrence in filing
8 this document has been obtained from the other signatory.

9 Dated: July 11, 2014

JONES DAY

10
11 By: /s/ Robert A. Mittelstaedt

12 Robert A. Mittelstaedt

13 Counsel for Defendants
CHEVRON CORPORATION

14
15 PURSUANT TO THE FORGOING STIPULATION, IT IS SO ORDERED.

16
17
18 Dated: 07/23/2014

19 
The Honorable Samuel Conti